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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,093	04/12/2004	Timothy M. Swager	M0925.70143US00	3154

7590  
Timothy J. Oyer, Ph.D.  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210

08/29/2008

EXAMINER

METZMAIER, DANIEL S

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

08/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10823093	4/12/2004	SWAGER ET AL.	M0925.70143US00

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**EXAMINER**

Daniel S.. Metzmaier

ART UNIT	PAPER
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1796

20080818

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Response is non-responsive

The reply filed on 23 April 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicants fail to elect a single disclosed species since the election does not define Q, which would determine the classification. Applicants should further indicate what claims read on the elected claims.

See the enclosed Notice of Non-Compliant Amendment (PTOL-324).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Encl.: Notice of Non-Compliant Amendment (37CFR1.121) /Daniel S. Metzmaier/  
(PTOL-324). Primary Examiner, Art Unit 1796